

806 KAR 13:020. Excess rates; consent form.

RELATES TO: KRS 304.13-051

STATUTORY AUTHORITY: KRS 304.2-110, 304.13-100

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as established in KRS 304.1-010. This administrative regulation establishes that an insurer and applicant shall file a form confirming the applicant's consent to the, if any, excess rate charged.

Section 1. (1) For rates required to be filed with the department in accordance with KRS 304.13-051, if an insurer and an applicant for insurance contemplated by KRS Subtitle 304.13 consent to rates to be charged in any specific instance in excess of those filed by or on behalf of the insurer, the insurer shall, within ten (10) days following the effective date of the policy, file with the commissioner a statement signed by the applicant that shall include:

- (a) The policy number;
- (b) The inception and expiration dates;
- (c) The name and address of the agent of record;
- (d) The name of the insurer;
- (e) The name and address of the insured;
- (f) The limits of coverage;
- (g) The total premium charged;
- (h) The fact that the rate exceeds the filed rate;
- (i) The reasons that the rate exceeds the filed rate; and
- (j) That the insured has consented to the excess rate.

(2) For rates not required to be filed with the department pursuant to KRS 304.13-051, if an insurer and an applicant for insurance contemplated by KRS Subtitle 304.13 consent to rates to be charged in any specific instance in excess of those utilized by the insurer, the insurer shall prepare a statement, which shall not be required to be filed with the department, signed by the applicant that shall include the:

- (a) Policy number;
- (b) Inception and expiration dates;
- (c) Name and address of the agent of record;
- (d) Name of the insurer;
- (e) Name and address of the insured;
- (f) Limits of coverage;
- (g) Total premium charged;
- (h) Fact that the rate exceeds the utilized rate;
- (i) Reasons that the rate exceeds the utilized rate; and
- (j) Acknowledgement that the insured has consented to the excess rate.

Section 2. A copy of the consent to rate statement required by Section 1 of this administrative regulation shall be submitted to the insured.

Section 3. The commissioner shall, in accordance with KRS Subtitle 304.13, approve or deny the consent to rate statement required by Section 1(1) of this administrative regulation, and shall return to the agent and to the insurer, one (1) copy of the consent, indicating the action taken. (I-13.05; 1 Ky.R. 864; eff. 5-14-75; TAm eff. 8-9-2007; Crt eff. 2-26-2020; 47 Ky.R. 1089, 1577; eff. 5-4-2021.)